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UBS Third Party Management Company SA*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

UBS AG, UBS (LUXEMBOURG) S.A., UBS  
FUND SERVICES (LUXEMBOURG) S.A., UBS  
THIRD PARTY MANAGEMENT COMPANY  
S.A., M&B CAPITAL ADVISERS SOCIEDAD  
DE VALORES, S.A., RELIANCE  
INTERNATIONAL RESEARCH LLC,  
RELIANCE MANAGEMENT (GIBRALTAR)  
LIMITED, LUXEMBOURG INVESTMENT  
FUND AND LUXEMBOURG INVESTMENT

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 10-05311 (SMB)

**UBS APPELLEES' COUNTER-  
DESIGNATION OF ADDITIONAL  
ITEMS TO BE INCLUDED IN THE  
RECORD ON APPEAL**

FUND U.S. EQUITY PLUS, as represented by  
their Liquidators MAÎTRE ALAIN RUKAVINA  
and PAUL LAPLUME, MAÎTRE ALAIN  
RUKAVINA and PAUL LAPLUME, in their  
capacities as liquidators and representatives of  
LUXEMBOURG INVESTMENT FUND AND  
LUXEMBOURG INVESTMENT FUND U.S.  
EQUITY PLUS, and LANDMARK  
INVESTMENT FUND IRELAND,

Defendants.

Pursuant to Rule 8009 of the Federal Rules of Bankruptcy Procedure and Rule 8009-1 of the Local Rules for the United States Bankruptcy Court for the Southern District of New York, appellees UBS AG, UBS (Luxembourg) S.A., UBS Fund Services (Luxembourg) S.A., and UBS Third Party Management Company S.A. (collectively, the “**UBS Appellees**”) submit this counter-designation of additional items to be included in the record on appeal in response to the Trustee’s Statement of Issues to be Presented and Designation of Items to be Included in the Record on Appeal, dated March 28, 2017 [Dkt. No. 248], submitted by Irving H. Picard (the “**Trustee**”), as trustee of the substantively consolidated estate of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and Bernard L. Madoff, individually.

The UBS Appellees counter-designate for inclusion in the record on appeal the items listed in Appendix A, with the pertinent docket entries filed in this Adversary Proceeding (such designated items, the “**Bankruptcy Court Designations**”). Copies of the Bankruptcy Court Designations are annexed hereto as Exhibits 1 – 5.

The UBS Appellees also counter-designate for inclusion in the record on appeal the items listed in Appendix B, with the pertinent docket entries filed in the United States District Court for the Southern District of New York, *Picard v. UBS AG*, No. 11-cv-04213 (CM) (such

designated items, the “**District Court Designations**”). Copies of the District Court Designations are annexed hereto as Exhibits 6 – 14.

For each item designated in Appendices A and B, the designation includes all document references within the particular document number including, without limitation, all statements, appendices, exhibits, attachments, declarations, and affidavits related thereto. The UBS Appellees reserve their rights to designate additional items for inclusion in the record.

Date: New York, New York  
April 11, 2017

**GIBSON, DUNN & CRUTCHER LLP**

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